

REMARKS

Applicant thanks the Examiner for the thorough consideration given the present application.

Claims 1-6 are currently being prosecuted. Claim 5 has been amended to correct minor informalities. Claim 1 is independent. No new matter has been added by this Amendment.

Reconsideration of this application is respectfully requested.

Priority Under 35 U.S.C. §119

Applicant thanks the Examiner for acknowledging Applicant's claim for foreign priority under 35 U.S.C. §119, and receipt of the certified priority document.

Information Disclosure Citation

Applicant thanks the Examiner for considering the references supplied with the Information Disclosure Statement filed May 19, 2005, and for providing Applicant with an initialed copy of the PTO/SB/08 form filed therewith.

Drawings

Applicant thanks the Examiner for indicating in the Notice of Office Action that the drawings filed on May 19, 2005 are acceptable.

Specification

Applicant respectfully submits that the specification of the present invention has been amended to remove the redundant description on page 5, line 3 to page 6, line 4.

Rejection under 35 USC 112

Claim 5 is rejected under 35 USC 112, second paragraph, as being indefinite for failing to particularly point out and distinctively claim the subject matter which applicant regards as the invention. Applicant respectfully traverses this rejection. In order to advance prosecution, claim 5 has been amended to read “terpene resins”.

By this amendment, Applicant respectfully submit that this rejection is rendered obviate and moot. Accordingly, it is respectfully requested that the Examiner reconsider and withdraw the rejection.

Rejection under 35 USC 103(a)

Claims 1 and 2 are rejected under 35 U.S.C. §103(a) as being unpatentable over He et al. in view of Wypych (Handbook of Fillers). Claims 1-4 and 6 are rejected under 35 U.S.C. §103(a) as being unpatentable over Mikami et al (JP 52-128927) in view of Sasaki et al (US 4,180,607) and He et al (US 5,824,144) in view of Wypych (Handbook of Fillers). Claim 5 is rejected under 35 U.S.C. §103(a) as being unpatentable over Mikami et al (JP 52-128927) in view of He et al (US 5,824,144) and Wypych (Handbook of Fillers) and further in view of Symietz (US

4,507,421). Claim 6 is rejected under 35 U.S.C. §103(a) as being unpatentable over Mikami et al (JP 52-128927) in view of He et al (US 5,824,144) and Wypych (Handbook of Fillers) and further in view of Sakai et al (US 4,180,607).

Applicant respectfully traverses these rejections insofar as they pertain to the presently pending claims.

The present invention is directed to a new metallic powder coating composition containing powder coating particles obtained by adhering a flake pigment onto a thermosetting resin powder surface by means of an adhesive binder. Its primary purpose is to provide a powder coating composition with an excellent recyclability and coating property as well as improved metallic feel, brilliance and brightness of a coating film. To achieve this purpose, it is necessary to meet the conditions including an improvement of adhesion between the flake pigment and the resin powder, prevention of bonding among resin powders, and avoidance of spitting. See, for instance, the specification at page 4, lines 1-8 and page 6, line 26 to page 8, line 3. In order to satisfy such conditions, the powder coating of the present invention should provide the features as recited in claim 1 that the powder coating particle has an average particle size of at most 100 μ m based on D50 conversion, and a bonding ratio between said thermosetting resin powder and said flake pigment is in a range from 90% to 100%.

The primary reference to He is directed to a metal-containing platelet pigment suitable for a powder coating composition and to the powder coating compositions including such pigments. More particularly, the aluminum flakes are provided with a viscous surface layer of polymer or other sticky liquid material.

However, as acknowledge by the Examiner, the He reference neither discloses nor teaches the features of the claimed invention, i.e., an average particle size of the powder coating particle and a bonding ratio between the thermosetting resin and the flake pigment. Also, the Wypych reference recognizes a particle thickness of aluminum flakes itself merely, not the average particle size of the powder coating obtained by adhesion of the flake pigment to the surface of the resin powder by means of the binder. Even if it is assumed that the particle size of the flake pigment is relevant to less than 100 μ m, it would be completely impossible to obtain the bonding ratio claimed in one of the features in the present invention on that basis. Therefore, the He and Wypych references individually or in combination cannot arrive at the present invention or render the present invention obvious.

Also, the Mikami reference is directed to a powder paint composition comprising a powder base paint, a metallic pigment and a resin solution. However, Mikami fails to teach or show the features as recited in claim 1 of the present invention, the average particle size of the powder coating and the bonding ratio between the resin powder and the flake pigment. As discussed above, since Wypych fails to disclose or teach the particle thickness features of the power composition of the claimed invention, the Mikami, He and Wypych references individually or combined make it impossible to render the claimed invention obvious.

Applicant respectfully submits that the features of the powder coating composition set forth in independent claim 1 is not made obvious by the cited art of record for the reasons explained above. All dependent claims are allowable due to their dependency on claim 1.

Accordingly, reconsideration and withdrawal of these rejections as to obviousness are respectfully requested.

Cited References

Since the references cited by the Examiner have not been relied on to reject the claims, but have merely been cited to show the state of the art, no comment need be made with respect thereto.

Conclusion

All of the stated grounds of rejection and objection have been properly traversed, accommodated, or rendered moot. Therefore, reconsideration and withdrawal all presently outstanding rejection and objection are respectfully requested and deemed proper. It is believed that a full and complete response has been made to the outstanding Office Action, and as such, the present application is in condition for allowance.

Should there be any outstanding matters that need to be resolved in the present application, the Examiner is respectfully requested to contact James T. Eller, Jr., Reg. No. 39,538 at the telephone number of the undersigned below, to conduct an interview in an effort to expedite prosecution in connection with the present application.

Application No. 10/535,701
Amendment dated September 19, 2007
Reply to Office Action of June 19, 2007

Docket No.: 0033-1003PUS1

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies to charge payment or credit any overpayment to Deposit Account No. 02-2448 for any additional fees required under 37.C.F.R. §§1.16 or 1.14; particularly, extension of time fees.

Dated: September 19, 2007

Respectfully submitted,

By 

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